

DEC 13 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN MOHAMMADI,

Defendant - Appellant.

No. 10-30079

D.C. No. 2:09-cr-00352-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted December 6, 2010**

Before: GOODWIN, RYMER, and GRABER, Circuit Judges.

John Mohammadi appeals from the 24-month sentence imposed following his guilty-plea conviction for bulk cash smuggling, in violation of 31 U.S.C. § 5332 and 18 U.S.C. § 2. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Mohammadi contends that the district court procedurally erred by denying his request for a two-level minor role adjustment pursuant to U.S.S.G. § 3B1.2. The district court did not clearly err by denying Mohammadi's request for a downward adjustment. *See United States v. Cantrell*, 433 F.3d 1283-84 (9th Cir. 2006); *see also United States v. Hursh*, 217 F.3d 761, 770 (9th Cir. 2000) (the fact that a defendant acted as a courier does not mean his role was minor).

Mohammadi also contends that the sentence is substantively unreasonable in light of his individual circumstances. The record reflects that the district court did not procedurally err, and the sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.